

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LANDMARK SNACKS LLC, and
UNDERWRITERS AT LLOYD'S
SUBSCRIBING TO POLICY NUMBER
W30D3D210101, as subrogee of Landmark
Snacks LLC;

Plaintiffs,

vs.

SCOTTSDALE INSURANCE COMPANY,

Intervenor Plaintiff

vs.

GILMAN CHEESE CORPORATION,

Defendant/Third-Party Plaintiff,

vs.

COOPERATIVE DAIRY MARKETING,
LLC,

Third-Party Defendant/Third-
Party Plaintiff,

vs.

BIERY CHEESE CO., and CHEESE
PIRATES, LLC,

Third-Party Defendants.

8:24CV42

FOURTH AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Plaintiff's Motion to Extend Scheduling Order Deadlines ([Filing No. 93](#)). Upon review of the motion, and after conferring with the parties¹, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Plaintiff's Motion to Extend Scheduling Order Deadlines ([Filing No. 93](#)) is granted, and the third amended case progression order is amended as follows:

- 1) The status conference set for May 28, 2025, is cancelled. A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **July 28, 2025, at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

¹ The motion is unopposed by all parties.

- 2) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **July 28, 2025**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **August 11, 2025**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 3) The deposition deadline, including but not limited to fact depositions for oral testimony only under Rule 45, is **September 26, 2025**.
- 4) The deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **November 28, 2025**.
- 5) The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff and third-party plaintiffs:

December 29, 2025

For the defendant and third-party defendants:

January 27, 2026

- 6) The deadline for all depositions, regardless of whether they are intended to be used at trial is **March 23, 2026**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **March 23, 2026**.
- 8) The planning conference set for January 21, 2026, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **March 23, 2026**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is **May 18, 2026**.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 27th day of May, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge